

SUPREME COURT OF THE STATE OF NEW YORK
COUNTY OF NEW YORK

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RONALD LANG,

Index No.:

Plaintiff,

COMPLAINT

-against-

THE CITY OF NEW YORK, THE NEW YORK CITY
POLICE DEPARTMENT, POLICE OFFICER
DEMETRIOS KALOUDAKIS and JANE DOES-Police
Officers as yet unidentified,

Defendants.

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Plaintiff, by his attorneys, RUBENSTEIN & RYNECKI, ESQS., complaining of the
defendants herein, upon information and belief, respectfully shows to this Court, and alleges as
follows:

**AS AND FOR A FIRST CAUSE OF ACTION FOR ASSAULT
AND BATTERY ON BEHALF OF RONALD LANG**

1. That at all times hereinafter mentioned, the plaintiff was and still is a resident of
the County, City and State of New York.
2. That all times hereinafter mentioned, the defendant, THE CITY OF NEW YORK,
was and still is a municipal corporation, duly organized and existing pursuant to the laws of the
State of New York.
3. That the defendant, THE CITY OF NEW YORK, maintains a police force known
as the NEW YORK CITY POLICE DEPARTMENT.
4. That prior hereto on October 3, 2012, and within the time prescribed by law, a
sworn Notice of Claim stating, among other things, the time when and place where the injuries
and damages were sustained, together with plaintiff's demands for adjustment or payment thereof,
and that thereafter the CITY OF NEW YORK refused or neglected for more than (30) days and
up to the commencement of this action to make any adjustment or payment thereof, and that
thereafter, and within the time provided by law, this action was commenced.

5. Pursuant to the General Municipal Law, the Statutory 50-H hearing of the plaintiff is in the process of being scheduled.

6. That on September 13, 2012, and at all times hereinafter mentioned and upon information and belief, defendants, THE CITY OF NEW YORK and THE NEW YORK CITY POLICE DEPARTMENT, employed POLICE OFFICER DEMETRIOS KALOUDAKIS and JANE DOES-Police Officers as yet unidentified, as agents, servants and/or employees.

7. That on September 13, 2012, and at all times hereinafter mentioned and upon information and belief, the plaintiff, RONALD LANG, was lawfully present at or about the uptown number 3 subway line at or about the Times Square Station, County, City and State of New York.

8. That on September 13, 2012, and at all times hereinafter mentioned and upon information and belief, the plaintiff, RONALD LANG, was assaulted and battered by defendants, including but not limited to POLICE OFFICER DEMETRIOS KALOUDAKIS and JANE DOES-Police Officers as yet unidentified, while acting as agents, servants and/or employees of the defendants, THE CITY OF NEW YORK and THE NEW YORK CITY POLICE DEPARTMENT.

9. That on September 13, 2012, and at all times hereinafter mentioned and upon information and belief, the aforementioned assault and battery was performed knowingly, intentionally and willfully.

10. That on September 13, 2012, and at all times hereinafter mentioned and upon information and belief the defendants, POLICE OFFICER DEMETRIOS KALOUDAKIS and JANE DOES-Police Officers as yet unidentified, who committed the aforementioned assault and battery upon the plaintiff, RONALD LANG, were acting within the scope of their employment with the defendants, THE CITY OF NEW YORK and THE NEW YORK CITY POLICE DEPARTMENT.

11. That on September 13, 2012, and at all times hereinafter mentioned and upon information and belief, the assault and battery on the plaintiff was without probable cause and was not the result of an appropriate arrest.

12. By reason of said assault and battery the plaintiff was caused to suffer severe and serious injuries in and about diverse parts of the person, and suffered great pain, distress, mental shock, mental anguish and psychological trauma and was otherwise injured.

13. By the reason of the foregoing, the plaintiff, RONALD LANG, sustained damages in an amount exceeding the jurisdictional limits of all the lower Courts.

**AS AND FOR A SECOND CAUSE OF ACTION FOR NEGLIGENT HIRING
AND RETENTION ON BEHALF OF RONALD LANG**

14. The plaintiff repeats and realleges each and every allegation set forth above numbered "1" through "13" inclusive with the same force and effect as if more fully set forth at length herein.

15. Defendants, THE CITY OF NEW YORK and THE NEW YORK CITY POLICE DEPARTMENT, did not exercise reasonable care and diligence in the selection, engagement, employment and training of their agents, servants, and employees and were negligent in the hiring, training and retention of the defendants, POLICE OFFICER DEMETRIOS KALOUDAKIS and JANE DOES-Police Officers as yet unidentified, who assaulted, battered and violated the civil rights of the plaintiff, RONALD LANG.

16. That the defendants, THE CITY OF NEW YORK and THE NEW YORK CITY POLICE DEPARTMENT, had prior knowledge of the inappropriate, unlawful, and improper conduct of the defendants, POLICE OFFICER DEMETRIOS KALOUDAKIS and JANE DOES-Police Officers as yet unidentified, and continued to employ them and allowed them to be in contact with the public at large.

17. By the reason of the foregoing, the plaintiff, RONALD LANG, sustained damages in an amount exceeding the jurisdictional limits of all the lower Courts.

**AS AND FOR A THIRD CAUSE OF ACTION FOR FALSE
ARREST ON BEHALF OF RONALD LANG**

18. The plaintiff repeats and realleges each and every allegation set forth above numbered "1" through "17" inclusive with the same force and effect as if more fully set forth at length herein.

19. That on September 13, 2012, and at all times hereinafter mentioned and upon information and belief, the defendants, POLICE OFFICER DEMETRIOS KALOUDAKIS and JANE DOES-Police Officers as yet unidentified, were working within the scope of their employment and authority with defendants, THE CITY OF NEW YORK and THE NEW YORK CITY POLICE DEPARTMENT, when they arrested and confined the plaintiff, RONALD LANG.

20. That on September 13, 2012, and at all times hereinafter mentioned and upon information and belief, the arrest and confinement was without probable cause nor based on reasonable grounds and not founded upon an arrest warrant.

21. That as a result of the aforesaid false arrest and confinement plaintiff, RONALD LANG, sustained serious permanent personal injuries along with humiliation, shame, indignity, damage to reputation and credit and suffered emotional and physical distress and injuries.

22. By the reason of the foregoing, the plaintiff, RONALD LANG, sustained damages in an amount exceeding the jurisdictional limits of all the lower Courts.

**AS AND FOR A FOURTH CAUSE OF ACTION FOR
FALSE IMPRISONMENT ON BEHALF OF RONALD LANG**

23. The plaintiff repeats and realleges each and every allegation set forth above numbered "1 through "22" inclusive with the same force and effect as if more fully set forth at length herein.

24. That on September 13, 2012, and at all times hereinafter mentioned and upon information and belief, defendants, POLICE OFFICER DEMETRIOS KALOUDAKIS and JANE DOES-Police Officers as yet unidentified, were acting within the scope of their employment when they, without justification and without probable cause, imprisoned the plaintiff, RONALD LANG.

25. That defendants, POLICE OFFICER DEMETRIOS KALOUDAKIS and JANE DOES-Police Officers as yet unidentified, while acting within the scope of their employment, intentionally confined the plaintiff against his will and said confinement was not privileged.

26. By the reason of the foregoing, the plaintiff, RONALD LANG, sustained damages in an amount exceeding the jurisdictional limits of all the lower Courts.

**AS AND FOR A FIFTH CAUSE OF ACTION FOR INTENTIONAL
AND NEGLIGENT INFLICTION OF EMOTIONAL DISTRESS
ON BEHALF OF RONALD LANG**

27. The plaintiff repeats and realleges each and every allegation set forth above numbered "1" through "26" inclusive with the same force and effect as if more fully set forth at length herein.

28. The defendants, THE CITY OF NEW YORK and THE NEW YORK CITY POLICE DEPARTMENT, including but not limited to POLICE OFFICER DEMETRIOS KALOUDAKIS and JANE DOES-Police Officers as yet unidentified, acted intentionally, recklessly and with utter disregard to the consequences of their actions and caused severe emotional distress to the plaintiff through their actions.

29. Said actions exceeded all reasonable bounds of decency, were outrageous and shocking and resulted in severe emotional distress to the plaintiff, RONALD LANG

30. That as a result of said intentional and negligent acts, the plaintiff, RONALD LANG, become sick, sore, lame and disabled, received severe and serious injuries in and about diverse parts of his person and suffered great physical pain, distress, mental shock, mental anguish and psychological trauma and was otherwise injured.

31. By reason of the foregoing, the plaintiff, RONALD LANG, sustained damages in an amount exceeding the jurisdictional limits of all the lower Courts.

**AS AND FOR A SIXTH CAUSE OF ACTION FOR MALICIOUS
PROSECUTION ON BEHALF OF RONALD LANG**

32. The plaintiff repeats and realleges each and every allegation set forth above numbered "1" through "31" inclusive with the same force and effect as if more fully set forth at length herein.

33. That on September 13, 2012, and at all times hereinafter mentioned and upon information and belief, defendants, POLICE OFFICER DEMETRIOS KALOUDAKIS and JANE DOES-Police Officers as yet unidentified, within the scope of their employment, without justification, without probable cause, created and submitted an erroneous police report in an effort to cover up the aforesaid and initiate a prosecution in bad faith.

34. That on September 13, 2012, and at all times hereinafter mentioned and upon information and belief, defendants, POLICE OFFICER DEMETRIOS KALOUDAKIS and JANE DOES-Police Officers as yet unidentified, were acting within the scope of their employment, maliciously prosecuted the plaintiff, RONALD LANG.

35. That on September 13, 2012, and at all times hereinafter mentioned and upon information and belief, as a result of the aforesaid malicious prosecution, plaintiff sustained serious, permanent, personal injuries along with humiliation, shame, indignity, damage to reputation and credit, legal fees, loss of employment opportunities and suffered emotional and physical distress and injury.

36. By reason of the foregoing, plaintiff, RONALD LANG, sustained damages in an amount exceeding the jurisdictional limits of all the lower Courts.

**AS AND FOR A SEVENTH CAUSE OF ACTION FOR CIVIL RIGHTS
VIOLATION ON BEHALF OF RONALD LANG**

37. The plaintiff repeats and realleges each and every allegation set forth above numbered "1" through "36" inclusive with the same force and effect as if more fully set forth at length herein.

38. The defendants, THE CITY OF NEW YORK and THE NEW YORK CITY POLICE DEPARTMENT, including but not limited to POLICE OFFICER DEMETRIOS KALOUDAKIS and JANE DOES-Police Officers as yet unidentified, were acting under the color of law and within the scope of their authority, assaulted and battered the plaintiff, RONALD LANG, in violation of 42 U.S.C.A. section 1983 as well as other applicable state and federal laws.

39. The defendants, THE CITY OF NEW YORK and THE NEW YORK CITY POLICE DEPARTMENT, including but not limited to POLICE OFFICER DEMETRIOS KALOUDAKIS and JANE DOES-Police Officers as yet unidentified, acting under color of law and within the scope of their authority, deprived the plaintiff, RONALD LANG, of liberty without due process and without reasonable cause in violation of 42 U.S.C.A. Section 1983 as well as other applicable state and federal laws.

40. The defendants had deprived the plaintiff by their actions of his civil rights as guaranteed by statute.

41. That the assault and battery was in violation of the civil rights of the plaintiff, more particularly, 42 U.S.C.A. Section 1983 as well as other applicable state and federal laws.

42. That the deprivation by the defendants of plaintiff's civil rights was a result of said defendants, THE CITY OF NEW YORK and THE NEW YORK CITY POLICE DEPARTMENT, including but not limited to POLICE OFFICER DEMETRIOS KALOUDAKIS and JANE DOES-Police Officers as yet unidentified, acting under color of law and within their authority as law enforcement officers within the employ of defendants, THE NEW YORK CITY POLICE DEPARTMENT.

43. That the defendants' actions were not privileged or immune.

44. That the defendants, THE CITY OF NEW YORK and THE NEW YORK CITY POLICE DEPARTMENT, including but not limited to POLICE OFFICER DEMETRIOS KALOUDAKIS and JANE DOES-Police Officers as yet unidentified, were not acting with immunity when they deprived plaintiff of his civil rights.

45. By the reason of the foregoing, the plaintiff, RONALD LANG, sustained damages in an amount exceeding the jurisdictional limits of all the lower Courts.

**AS AND FOR AN EIGHTH CAUSE OF ACTION FOR PUNITIVE
DAMAGES ON BEHALF OF RONALD LANG**

46. The plaintiff repeats and realleges each and every allegation set forth above

numbered "1" through "45" inclusive with the same force and effect as if more fully set forth at length herein.

47. The actions of the defendants herein-above alleged, were malicious, willful and grossly negligent.

48. The defendants, THE CITY OF NEW YORK and THE NEW YORK CITY POLICE DEPARTMENT, authorized, permitted and ratified the unlawful and negligent acts of their agents, servants and/or employees, including but not limited to POLICE OFFICER DEMETRIOS KALOUDAKIS and JANE DOES-Police Officers as yet unidentified, herein-above alleged.

49. By the reason of the foregoing, the plaintiff, RONALD LANG, sustained damages in an amount exceeding the jurisdictional limits of all the lower Courts.

WHEREFORE, plaintiff, RONALD LANG, demands judgment both compensatory and exemplary in an amount exceeding the jurisdictional limits of all lower Courts on the **First** Cause of Action; plaintiff, RONALD LANG, demands judgment both compensatory and exemplary in an amount exceeding the jurisdictional limits of all lower Courts on the **Second** Cause of Action; plaintiff, RONALD LANG, demands judgment both compensatory and exemplary in an amount exceeding the jurisdictional limits of all lower Courts on the **Third** Cause of Action; plaintiff, RONALD LANG, demands judgment both compensatory and exemplary in an amount exceeding the jurisdictional limits of all lower Courts on the **Fourth** Cause of Action; plaintiff, RONALD LANG, demands judgment both compensatory and exemplary in an amount exceeding the jurisdictional limits of all lower Courts on the **Fifth** Cause of Action; plaintiff, RONALD LANG, demands judgment both compensatory and exemplary in an amount exceeding the jurisdictional limits of all lower Courts on the **Sixth** Cause of Action; plaintiff, RONALD LANG, demands judgment both compensatory and exemplary in an amount exceeding the jurisdictional limits of all lower Courts on the **Seventh** Cause of Action; plaintiff, RONALD LANG, demands judgment both compensatory and exemplary in an amount exceeding the jurisdictional limits of all lower

Courts on the **Eighth** Cause of Action; together with attorneys' fees and the costs and disbursements of this action.

DATED: Brooklyn, New York
July 18, 2013

Yours, etc.,

A handwritten signature in black ink, appearing to be 'R. Mijuca', written over a horizontal line.

ROBERT MIJUCA, ESQ.
RUBENSTEIN & RYNECKI, ESQS.
Attorneys for Plaintiffs
16 Court Street Suite 1717
Brooklyn, New York 11241
(718) 522-1020
File No.: 12RL09-13

ATTORNEY'S VERIFICATION BY AFFIRMATION

ROBERT MIJUCA, ESQ., an attorney duly admitted to practice before the Courts of the State of New York, affirms the following to be true under the penalties of perjury:

I am a Partner at RUBENSTEIN & RYNECKI, ESQS., attorneys of record for the Plaintiff/Plaintiffs, I have read the annexed

SUMMONS AND COMPLAINT

and know the contents thereof, and the same are true to my knowledge, except those matters therein which are stated to be alleged upon information and belief, and as to those matters I believe them to be true. My belief, as to those matters therein not stated upon knowledge, is based upon facts, records, and other pertinent information contained in my files.

The reason I make the foregoing affirmation instead of the Plaintiff/Plaintiffs is because the Plaintiff/Plaintiffs is/are not presently in the County wherein the attorneys for the Plaintiff/Plaintiffs maintain their offices.

Dated: Brooklyn, New York
July 18, 2013


ROBERT MIJUCA, ESQ.